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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,866	06/19/2001	Brian D. Franz	03DV-9088	7242

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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,866

Applicant(s)

FRANZ ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 7-17 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Request for Continued Examination***

1. The request filed on 11/14/02 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/681866 is acceptable and an RCE has been established. An action on the RCE follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kachuk in view of Kuribayashi et al.

Regarding claim 7, Kachuk shows an endshield (24) for an electric motor, the motor having a housing (12) including an outer surface (16), said end shield comprising a body (circumferential surface).

Kachuk does not show at least one mounting ear extending from said body, said at least one mounting ear having a slot.

Kuribayashi et al. show at least one mounting ear (21) extending from the body, said at least one mounting ear having a slot (22) for the purpose of mounting the endshield to the housing.

Since Kachuk and Kuribayashi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to extend at least one mounting ear from the body, said at least one mounting ear having a slot as taught by Kuribayashi et al. for the purpose discussed above.

Regarding claim 10, it is noted that Kuribayashi et al. also show said endshield comprising a plurality of mounting ears each having a slot (Figures 5 and 7).

Regarding claim 11, it is noted that Kuribayashi et al. also show said plurality of slots pointing in generally the same circumferential direction.

Regarding claim 12, it is noted that Kuribayashi et al. also show said at least one mounting ear further comprising a recess sized to receive a fastener.

5. Claims 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kachuk in view of Kuribayashi et al. as applied to claim 7 above, and further in view of Ochi et al. (U. S. Patent No. 4,945,272).

Regarding claim 8, the endshield of Kachuk modified by Kuribayashi et al. includes all of the limitations of the claimed invention except for said at least one mounting ear further comprising an opening extending therethrough and a first side, said slot extending through said mounting ear from said opening through said first side.

Ochi et al. show said at least one mounting ear (21b, Figure 2) further comprising an opening extending therethrough and a first side (left side), said slot extending through said mounting ear from said opening through said first side for the purpose of making mounting easily.

Since Kachuk, Kuribayashi et al. and Ochi et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include in the at least one mounting ear with an opening extending therethrough and a first side, and to extend the slot through said mounting ear from said opening through said first side as taught by Ochi et al. for the purpose discussed above.

Regarding claim 9, it is noted that Ochi et al. also show said at least one mounting ear generally c-shaped.

Regarding claim 13, this claim is a combination of claims 7 and 8. Therefore, claim 13 is also rejected as discussed above.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. and Kuribayashi et al.

Regarding claim 14, Iwasa et al. shows an electric motor assembly comprising:

- A motor housing (4);
- A stator (2) mounted in said housing and comprising a bore therethrough, said stator having at least one main winding and at least one auxiliary winding;
- A rotor core rotatably mounted in said housing and extending through said stator bore (3);
- A capacitor (11) in series with said auxiliary winding and comprising at least one capacitor terminal (11i, 11j); and
- An endshield connected to said housing, said endshield comprising a body (8a).

Iwasa et al. do not show the endshield comprising at least one mounting ear extending from said body, said at least one mounting ear having a slot extending completely therethrough.

Kuribayashi et al. show the endshield (Figures 5 and 7) comprising at least one mounting ear extending from said body, said at least one mounting ear having a slot extending completely therethrough for the purpose of proving a mechanical connection.

Since Iwasa et al. and Kuribayashi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the endshield with at least one mounting ear extending from said body, said at least one mounting ear having a slot extending completely therethrough as taught by Kuribayashi et al. for the purpose discussed above.

Regarding claim 15, it is noted that Iwasa et al. also show said endshield further comprising a capacitor cover (portion between 5 and 8a) extending from said body.

Regarding claim 16, it is noted that Iwasa et al. also show said capacitor cover comprising a top extending from said body, a first wall portion extending from said body, a second wall portion extending from said body and a third wall portion, said third wall portion connecting said first wall portion and said second wall portion.

Regarding claim 17, It is noted that Kuribayashi et al. also show said at least one mounting ear further comprising a front face (left, Figure 7), a back face (right), an opening extending therethrough and a first side (round edge near 22), said opening extending through said front face and said back face, said slot extending through said mounting ear from said opening through said first side.

***Allowable Subject Matter***

7. Claims 1-6 and 18-21 are allowed.

8. Claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Information on How to Contact USPTO***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
December 23, 2002

DL

